**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

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| TEXTRON INNOVATIONS INC., *Plaintiff*, | § | |
| v. | § | CIVIL ACTION 2:22-cv-0351-RWS-RSP |
| SZ DJI TECHNOLOGY CO., LTD., DJI EUROPE B.V., SZ DJI BAIWANG TECHNOLOGY CO. LTD., and IFLIGHT TECHNOLOGY COMPANY LTD. *Defendants.* | § | |

**DOCKET CONTROL ORDER**

In accordance with the Scheduling Conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

| DATE | EVENT |
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| July 15, 2024 | *Jury Selection – 9:00 a.m. in **Marshall, Texas** |
| 7 days before Jury Selection | *Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses |
| 10 days before Jury Selection | *Plaintiff to disclose final election of Asserted Claims |
| June 17, 2024 | *If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date[1] |
| June 10, 2024 | *Pretrial Conference – 1:30 p.m. in **Marshall, Texas** before Judge Roy Payne |
| June 3, 2024 | *Notify Court of Agreements Reached During Meet and Confer<br>The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advice the Court |

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire.*

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| | of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference. |
| June 3, 2024 | *File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations |
| May 28, 2024 | *File Notice of Request for Daily Transcript or Real Time Reporting.<br>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov. |
| May 20, 2024 | File Motions *in Limine*<br>The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury. |
| May 20, 2024 | Serve Objections to Rebuttal Pretrial Disclosures |
| May 13, 2024 | Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures |
| April 29, 2024 | Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof |
| April 22, 2024 | *Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56. |
| April 8, 2024 | *File Motions to Strike Expert Testimony (including *Daubert* Motions) |

[2] The parties are directed to Local Rule CV-7(d), which provides in party that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by the movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV-7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

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| | No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court. |
| April 8, 2024 | *File Dispositive Motions<br>No dispositive motion may be filed after this date without leave of the Court.<br>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend pages limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties. |
| April 1, 2024 | Deadline to Complete Expert Discovery |
| March 18, 2024 | Serve Disclosures for Rebuttal Expert Witnesses |
| February 26, 2024 | Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof |
| February 26, 2024 | Deadline to Complete Fact Discovery and File Motions to Compel Discovery |
| January 26, 2024 | Comply with P.R. 3-7 (Opinion of Counsel Defenses) |
| January 19, 2024 | *Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne |
| January 5, 2024 | *Comply with P.R. 4-5(d) (Joint Claim Construction Chart) |
| December 21, 2023 | *Comply with P.R. 4-5(c) (Reply Claim Construction Brief) |
| December 14, 2023 | Comply with P.R. 4-5(b) (Responsive Claim Construction Brief) |
| December 8, 2023 | Deadline to Substantially Complete Document Production and Exchange Privilege Logs<br>Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline. |
| November 30, 2023 | Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)<br>Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a). |
| November 17, 2023 | Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery) |

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| November 17, 2023 | File Response to Amended Pleadings |
| November 3, 2023 | *File Amended Pleadings<br>It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents. |
| October 27, 2023 | Comply with P.R. 4-3 (Joint Claim Construction Statement) |
| September 29, 2023 | Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions) |
| September 8, 2023 | Comply with P.R. 4-1 (Exchange Proposed Claim Terms) |
| June 5, 2023 | Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[3] |
| June 5, 2023 | Comply with P.R. 3-3 & 3-4 (Invalidity Contentions) |
| May 15, 2023 | *File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)<br>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part. |
| May 8, 2023 | File Proposed Discovery Order and Proposed Docket Control Order |
| May 1, 2023 | Join Additional Parties |

**(*) indicates a deadline that cannot be changed without an acceptable showing of good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.**

**SIGNED this 11th day of May, 2023.**

ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

[3] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]